

### REMARKS

The Examiner objected to claims 12 and 23 to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter.

The Examiner rejected claims 1-10, 13-21, and 24-35 under 35 U.S.C. §103(a) as being unpatentable over Theimer, U.S. Patent No. 5,649,099, in view of Rackman, U.S. Patent No. 5,903,646.

The Examiner rejected to claims 11 and 22 under 35 U.S.C. §103(a) as being unpatentable over Theimer, U.S. Patent No. 5,649,099, in view of Rackman, U.S. Patent No. 5,903,646 as applied to claims 1 and 16 above, and further in view of Keithley, U.S. Patent No. 5,584,025.

Applicants respectfully traverse the §103(a) rejections with the following arguments.

**35 U.S.C. §103(a): Theimer in view of Rackman**

The Examiner rejected claims 1-10, 13-21, and 24-35 under 35 U.S.C. §103(a) as being unpatentable over Theimer, U.S. Patent No. 5,649,099, in view of Rackman, U.S. Patent No. 5,903,646.

**Claims 1-15**

Applicant respectfully contends that claim 1 is not unpatentable over Theimer in view of Rackman, because Theimer in view of Rackman does not teach or suggest each and every feature of claim 1.

As a first example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 1, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “if the requested access is not security blocked, determining whether the data object includes a privileged communication (PCOM) between an attorney and a client of the attorney”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM between an attorney and a client of the attorney. Although Rackman teaches or suggests “determining whether the data object includes a privileged communication (PCOM) between an attorney and a client of the attorney” in conjunction with generating an optical disk, Rackman does not teach or suggest that said “determining ...” should be conditionally performed “if the requested access is not security blocked” as required by claim 1. Rackman teaches said “determining ...” only during generation of optical disks and not during a request for access of the data object by a node as required by claim 1. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned

feature of claim 1. Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 1.

As a second example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 1, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “if the data object includes the PCOM, deciding whether a PCOM message for the data object is to be published at the node”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest “deciding whether a PCOM message for the data object is to be published at the node” as required by claim 1. Indeed, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 1. Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 1.

As a third example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 1, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “if the PCOM message is to be published, publishing the PCOM message at the node”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest “publishing the PCOM message at the node” as required by claim 1. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 1. Accordingly, Applicant respectfully asserts

that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 1.

Based on the preceding arguments, Applicants respectfully maintain that claim 1 is not unpatentable over Theimer in view of Rackman, and that claim 1 is in condition for allowance. Since claims 2-15 depend from claim 1, Applicants contend that claims 2-15 are likewise in condition for allowance.

#### Claims 16-28

Applicant respectfully contends that claim 16 is not unpatentable over Theimer in view of Rackman, because Theimer in view of Rackman does not teach or suggest each and every feature of claim 16.

As a first example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 16, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “publication means for publishing a PCOM message for the data object”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest “publication means for publishing a PCOM message for the data object” as required by claim 16. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 16. Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 16.

As a second example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 16, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “decision means for deciding whether to execute the publication means to publish the PCOM message for the data object, wherein the decision means includes a dependence on the determination made by the status means”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest “publishing the PCOM message at the node” as required by claim 16. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 16. Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 16.

Based on the preceding arguments, Applicants respectfully maintain that claim 16 is not unpatentable over Theimer in view of Rackman, and that claim 16 is in condition for allowance. Since claims 17-28 depend from claim 1, Applicants contend that claims 17-28 are likewise in condition for allowance.

#### Claims 29-30

Applicant respectfully contends that claim 29 is not unpatentable over Theimer in view of Rackman, because Theimer in view of Rackman does not teach or suggest each and every feature of claim 29.

As a first example of why Theimer in view of Rackman does not teach or suggest each

and every feature of claim 29, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “publication software for publishing a PCOM message for the data object”.

As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest “publication software for publishing a PCOM message for the data ”, as required by claim 29. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 29.

Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 29.

As a second example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 29, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “decision software for deciding whether to execute the publication software to publish the PCOM message for the data object, wherein the decision software includes a dependence on the determination made by the status software”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest anything relating to “decision software for deciding whether to execute the publication software to publish the PCOM message for the data object” as required by claim 29. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 29. Accordingly, Applicant respectfully asserts that neither

Theimer nor Rackman teach or suggest the aforementioned feature of claim 29.

Based on the preceding arguments, Applicants respectfully maintain that claim 30 is not unpatentable over Theimer in view of Rackman, and that claim 30 is in condition for allowance. Since claim 31 depend from claim 30, Applicants contend that claim 31 is likewise in condition for allowance.

#### Claims 31-35

Applicant respectfully contends that claim 31 is not unpatentable over Theimer in view of Rackman, because Theimer in view of Rackman does not teach or suggest each and every feature of claim 31.

As a first example of why Theimer in view of Rackman does not teach or suggest each and every feature of claim 31, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “publication means for publishing a PCOM message for the data object”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that Rackman does not teach or suggest “publication means for publishing a PCOM message for the data object” as required by claim 31. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 31. Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 31.

As a second example of why Theimer in view of Rackman does not teach or suggest each

and every feature of claim 31, Applicant contends that neither Theimer nor Rackman teach or suggest the feature: “decision means for deciding whether to execute the publication means to publish the PCOM message for the data object, wherein the decision means includes a dependence on the determination made by the status means”. As admitted by the Examiner, Theimer does not disclose anything about a PCOM message between an attorney and a client of the attorney. As to Rackman, Applicant asserts that, Rackman does not teach or suggest “publishing the PCOM message at the node” as required by claim 31. In fact, Rackman does not even disclose the existence of a PCOM message. Additionally, the Examiner has not provided any citation in Rackman that allegedly shows that Rackman teaches or suggests the aforementioned feature of claim 31. Accordingly, Applicant respectfully asserts that neither Theimer nor Rackman teach or suggest the aforementioned feature of claim 31.

Based on the preceding arguments, Applicants respectfully maintain that claim 31 is not unpatentable over Theimer in view of Rackman, and that claim 31 is in condition for allowance. Since claims 32-35 depend from claim 31, Applicants contend that claims 32-35 are likewise in condition for allowance.



**35 U.S.C. §103(a): Theimer in view of Rackman and further in view of Keithley**

The Examiner rejected to claims 11 and 22 under 35 U.S.C. §103(a) as being unpatentable over Theimer, U.S. Patent No. 5,649,099, in view of Rackman, U.S. Patent No. 5,903,646, and further in view of Keithley, U.S. Patent No. 5,584,025.

Since claims 11 and 22 respectively depend from claims 1 and 16, which Applicant has argued *supra* to be patentable under 35 U.S.C. §103(a), Applicant maintains that claims 11 and 22 are therefore not unpatentable under 35 U.S.C. §103(a).

## CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

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